



Memorandum

TO: Honorable Mayor &
City Council

FROM: Toni J. Taber, CMC
City Clerk

SUBJECT: The Public Record
May 16, 2014 – May 22, 2014

DATE: May 23, 2014

ITEMS FILED FOR THE PUBLIC RECORD

1. Letter from David Wall to the Mayor and City Council dated May 22, 2014, regarding Residents at "City Heights" need a better view and San José Firefighters need a bigger garden.
2. Letter from David Wall to the Mayor and City Council dated May 22, 2014, regarding "The Old Fire Station #1" is being abused by the City and Business entities. This practice should cease.
3. Proposal from Dave Fadness to the Mayor and City Council dated May 19, 2014, regarding Proposed Stipulations on any new San José City taxes from Citizens for Fiscal Responsibility.
4. Letter from Deputy Superintendent, Business Services Timothy W. McClary with the Franklin McKinley School District to the Mayor and City Council dated May 14, 2014, regarding Notice of District Resolution Exempting District from City Zoning Ordinances Applicable to the Santee School Site and the Uses Therefore.

Toni J. Taber, CMC
City Clerk

TJT/kc

Honorable Mayor and City Council Members
May 22, 2014
Subject: The Public Record: May 16-May 22, 2014
Page 2 of 2

Distribution:	Mayor/Council	Director of Transportation
	City Manager	Public Information Office
	Assistant City Manager	San José Mercury News
	Assistant to City Manager	Library
	Council Liaison	Director of Public Works
	Director of Planning	City Auditor
	City Attorney	Director of Finance

David S. Wall

PUBLIC RECORD 1

RECEIVED
San Jose City Clerk

May 22, 2014

2014 MAY 22 PM 4:30

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: Residents at "City Heights" need a better view and San José Firefighters need a bigger garden.

The "Old Fire Station #1" needs to be saved from "The Long Range Property Management Plan."

The "Old Fire Station #1" could be transformed into a "barracks" for Police and Fire commuters.

The "Old Fire Station #1's backyard" should be a garden so Firefighters could grow fresh food.

Is the Downtown Business Association using "The Old Fire Station #1's backyard" as a "dump?"

Dateline: City Desk [Thursday, (05.22.14)]. *The "fire hazard" and dump should be cleaned up-at once.*

As you all should know, **"The Old Fire Station #1"** is next door to **"The New Fire Station #1."**

What you may not know, but should know is, **"The Old Fire Station #1's backyard"** has been turned into; a "fire-hazard", a dump, a storage facility for "Downtown Ice" and others. There could be possible hazardous wastes in many fifty-five (55) gallon drums that are stored without secondary containment.

The residents at City Heights are compelled to view this "blighted shite-hole" from their balconies and patios.

What is more important to me, as it should be to all of you, is the potential danger this fire-hazard and possible hazardous waste dump presents to our valiant Firefighters at **"The New Fire Station #1."**

I propose the following;

"The Old Fire Station #1" be immediately removed from the "Long Range Property Management "disposal" Plan and given to the Fire Department.

The building could then house **The Fire Department's Museum** and the upper floors as a "barracks" for Police Officers and Firefighters who suffer from very long commutes (because they cannot afford to live in San José because YOU cut their pay and benefits).

"The Old Fire Station #1's backyard," once "cleaned-up" could then be transformed into a very productive vegetable and culinary herb garden (along with some fruit trees) so our Firefighters could eat healthy, locally grown food...

....and the residents at "City Heights" wouldn't have to tolerate living next to a "blighted shite-hole."

Respectfully submitted,

Cc: City Attorney / City Auditor / City Manager

David S. Wall
05.22.14

David S. Wall

PUBLIC RECORD 2

RECEIVED
San Jose City

2014 MAY 22 PM

May 22, 2014

Mayor Reed and Members San José City Council
200 East Santa Clara Street
San José, California 95113-1905

Re: "The Old Fire Station #1" is being abused by the City and Business entities. This practice should cease.

Dateline: City Desk [Thursday, (05.22.14)]. *Those responsible are going to be held accountable.*

Below is the text of a pending "Request for Public Record Information."

"Request for PUBLIC RECORD INFOI

This request for Public Record information concerns itself with "The Old Fire Station #1" and the person(s) and or entities, who have transformed this property into;

A "fire-hazard," a dump, and possible hazardous waste disposal site.

I request the following Public Record Information concerning "The Old Fire Station #1."

Please identify who is responsible for transforming this property into;

A "fire-hazard," a dump, and possible hazardous waste disposal site.

Please identify all City Departments, all City employees and all business entities (for example, "Downtown Ice", the Downtown Association, etcetera) who have responsibilities in creating this unacceptable problem.

Please list the compensation received by the City of San José from the business entities and amounts so tendered."

Respectfully submitted,

David S. Wall
05.22.14

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Cc: City Attorney / City Auditor / City Manager

Carrillo, Kathy

From: Agendadesk
Sent: Tuesday, May 20, 2014 9:17 AM
To: Rules and Open Government Committee Agendas
Subject: FW: Proposed sales tax
Attachments: 813 Proposed New Tax stipulations (v3).doc

For the public record.

Thanks!

Sylvie Roussel
Deputy City Clerk

Agenda Desk | City of San José | Office of the City Clerk
200 East Santa Clara Street - Wing, 2nd Floor | San José, CA 95113
408.535.1275 work | 408.535.1255 alt
agendadesk@sanjoseca.gov
sylvie.roussel@sanjoseca.gov

From: On Behalf Of Dave Fadness
Sent: Monday, May 19, 2014 1:34 PM
To: The Office of Mayor Chuck Reed; District 10; Oliverio, Pierluigi; District7; District1; District2; Liccardo, Sam; Herrera, Rose; District4; District5; District9
Cc: City Clerk; Shikada, Ed
Subject: Proposed sales tax

Honorable Mayor & City Council:

In discussing support for any new city or countywide tax, please give serious consideration to the attached recommendations from Citizens for Fiscal Responsibility.

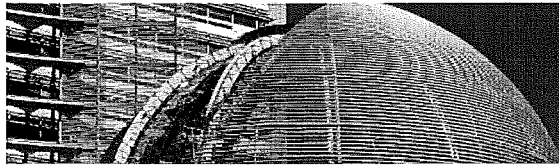
Thank you,

Dave Fadness

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Citizens for Fiscal Responsibility

6490 Camelia Drive
San Jose, CA 95120
www.cfr-sj.org



August 12, 2013

Proposed Stipulations on any new San Jose City taxes

The objective of the following proposals is to enhance the city's ability to be fiscally responsible and accountable to its citizens by providing quality services at reasonable costs using management best practices.

To accomplish this goal, all new ballot proposals requiring the imposition of new taxes should include the following:

- A. Be specific in scope and funding sources for both completion of proposed projects and services as well as any identified ongoing operating and maintenance costs required.
- B. Be results-driven by leveraging both private and public sector entities to deliver best value for each proposed project and service.
- C. Include citizen participation and oversight for transparency.

Implementing this strategy and promoting the advantages to the taxpayers who must fund future initiatives will serve to greatly enhance public acceptance for necessary new tax proposals.

To this end, following are proposed stipulations for each new ballot measure requiring additional taxes for funding and support:

Scope and Funding

- 1) An inclusive list of specific projects/services/objectives must be set forth in the ballot language.
- 2) An estimate of funds needed to cover all (present value) costs anticipated in the successful delivery of specified projects/services/objectives must be prepared, certified by a qualified entity, and set forth in the ballot language.
- 3) The ballot measure must specify that no diversion of funds from other uses will be allowed to be used for specified projects/services/objectives without public approval by the city council.
- 4) The ballot language must establish a limit of no more than 5% of total new tax expenditures for administration of specified projects/services/objectives.
- 5) The ballot language must establish a sunset date after which the new tax shall expire and, except for delinquencies, cease to be collected. That date will be set by
 - a. an estimate of the time required for successful delivery of specified projects/services/objectives;
 - b. an estimate of the time required to collect funds needed to cover all specified costs for successful delivery of specified projects/services/objectives;
- 6) The ballot language must require maintenance of effort by city departments, prohibiting diversion to other uses of any existing funds or funding streams, assets, or staffing until after successful delivery of specified projects/services/objectives. The ballot language must assure that the new tax revenue will not be used for purposes other than those specified.
- 7) An estimate of increases in ongoing operating and maintenance costs resulting from successful delivery of specified projects/services/objectives must accompany the ballot measure along with a statement of proposed remedial revenue sources.

Citizens for Fiscal Responsibility is dedicated to advocating a common sense approach to government that will achieve fiscal, economic, and environmental sustainability and an improved quality of life for current and future generations.

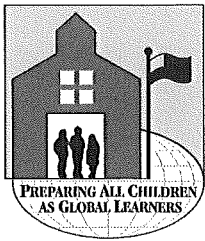
Best Value Contracting

- 8) The ballot language must allow competitive contracting involving public- and private-sector entities. Bids must allow the awardees' use of any equipment and/or supplies that a competing city department would employ in fulfilling their contract, if awarded.
- 9) The ballot language must specify that each bidder may employ its own pay rates and fringe benefits without prejudice in award or conduct of work or imposition by the city of prevailing or living wage requirements.
- 10) Schedule and quality performance criteria must be specified in the ballot language along with defined compensatory penalties for failure to perform in strict conformance with contract.
- 11) The ballot language must specify that each bidder's work rules shall apply without prejudice in award or conduct of work in successful delivery of specified projects/services/objectives.
- 12) Failure to perform based on schedule, price, or quality shall, at the city council's option in a public vote, be cause for immediate renegotiation or cessation of contract.
- 13) The ballot language must include a warranty period of no less than 12 months requiring that any necessary repairs due to defects or deficiencies in workmanship be performed and paid for by the contractor. Contractors must be bonded or provide cash in escrow up to a defined percentage of the bid price.
- 14) The ballot language must specify who will comprise the award evaluation body and the weighting each bid element (price, schedule, experience, quality, etc.) will receive in determining contract awards. The city council will publicly approve award of all contracts.

Oversight

- 15) The ballot measure must establish a citizen oversight committee and specify its membership representation; the oversight committee shall report directly to the city council, select its own chairperson, meet regularly as needed, set its own agenda, have power of subpoena in obtaining staff and contractor reports and program-related documents, and publish an annual public report.

[End]



FRANKLIN-MCKINLEY SCHOOL DISTRICT

645 Wool Creek Drive, San Jose, CA 95112
408-283-6020 Fax 408-283-6024

Dr. John Porter, Jr.
Superintendent

Timothy W. McClary
Deputy Superintendent, Business Services

May 14, 2014

Toni Taber, City Clerk
Office of the City Clerk
City of San Jose
200 East Santa Clara
San Jose, CA 95113

Re: NOTICE OF DISTRICT RESOLUTION EXEMPTING DISTRICT FROM CITY ZONING ORDINANCES APPLICABLE TO THE SANTEE SCHOOL SITE AND THE USES THEREFORE

Dear Toni Taber:

Please be advised that at its May 13, 2014, public meeting, the Governing Board of the Franklin McKinley School District ("District") approved a Resolution Exempting the District's Santee School Site and the Uses Therefore from Applicable Zoning Ordinances of the City of San Jose ("Resolution"). California Government Code Section 53094 authorizes a governing board of a school district, by a vote of two-thirds of its members, to exempt district property from city zoning ordinances regarding a proposed use of district property for educational purposes. The District's proposed Educare Project ("Project") located on the Santee Elementary School site at 1313 Audubon Drive, San Jose, California includes construction of certain early childhood education facilities on the School site to provide early childhood educational services in order to serve the surrounding community. The proposed Project and its related uses are for educational purposes.

As you may know, the District's schools are subject to and comply with state requirements for use, operation and construction on District school sites, such as the requirements set forth by the Division of State Architect ("DSA") under Education Code section 17280 et seq.

Attached hereto is a copy of the adopted Resolution. Pursuant to Government Code Section 53094, this correspondence serves as the District's written notice of this action. The District looks forward to continuing its good working relationship with the City. Please contact me with any questions.

Thank you for your attention to this matter.

Very truly,

Timothy W. McClary
Deputy Superintendent, Business Services
Franklin McKinley School District
CC: Dr. John R. Porter, Jr.
Enc.: Resolution

Board of Education

Maya Esparza • John Lindner • Rudy Rodriguez • George Sanchez • Buu Thai

FRANKLIN-MCKINLEY SCHOOL DISTRICT

RESOLUTION NO. 2013-33

RESOLUTION OF THE GOVERNING BOARD OF THE FRANKLIN MCKINLEY SCHOOL DISTRICT EXEMPTING THE DISTRICT FROM ZONING ORDINANCES OF THE CITY OF SAN JOSE APPLICABLE TO THE SANTEE SCHOOL SITE AND THE USES THEREFORE

WHEREAS, the Franklin-McKinley School District ("District") is a school district duly organized and validly existing under the laws of the State of California, and located within the boundaries of the City of San Jose ("City");

WHEREAS, District currently uses the 4 acre Santee Elementary School campus, located at 1313 Audubon Drive, San Jose, California ("School Site"), for educational purposes;

WHEREAS, District proposes to construct certain early childhood education facilities on the School Site to provide early childhood educational services in order to serve the surrounding community (the "Project");

WHEREAS, California Government Code Section 53094 authorizes District, by a vote of two-thirds of the members of its Governing Board, to render City zoning ordinances inapplicable to the Project and School Site when used for educational purposes;

WHEREAS, the current and proposed uses of the Project and School Site are educational purposes and the Project and School Site are subject to design review by the Division of the State Architect ("DSA") under California Education Code Section 17280, *et seq.*; and

WHEREAS, District has balanced the interests of the public, including those of the District and those of the City, and determined that the interests of the public are best served by commencing, completing and operating the Project as proposed along with all other educational uses on the School Site.

NOW THEREFORE, THE GOVERNING BOARD OF THE FRANKLIN-MCKINLEY SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That all of the above recitals are correct.

Section 2. That the Franklin-McKinley School District hereby exempts the Project and the School Site from any zoning ordinances of the City including, without limitation, the City's Municipal Code, the City's General Plan, and related ordinances and regulations which otherwise would be applicable to the Project and the School Site.

Section 3. That the Superintendent of the Franklin-McKinley School District, or his designee, is directed to give written notice to the City as required by Government Code Section 53094 within ten (10) days of this action.

APPROVED, PASSED, AND ADOPTED by the Governing Board of the Franklin McKinley School District at a public meeting duly called and held on this 13th day of May 2014, by the following vote:

AYES:

5

NOES:

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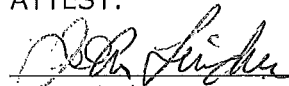
ABSTENTIONS:

0



Buu Thai
President, Governing Board

ATTEST:



John Lindner
Clerk, Governing Board